

REMARKS

In the outstanding Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,121,689 to Capote et al. ("Capote"), in view of U.S. Patent No. 6,426,556 to Lin ("Lin"); and rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Capote and Lin in view of U.S. Patent No. 6,077,726 to Mistry et al. ("Mistry")¹.

By this amendment, Applicant has amended claim 1, and canceled claims 2 and 4. Claims 1, 3, and 5-20 are now pending in this application, with claims 1, 3, and 5-8 presented for examination.

I. Rejection under 35 U.S.C. § 103(a)

Regarding the rejection of claims 1-8 under 35 U.S.C. § 103(a), Applicant initially notes that the rejection of canceled claims 2 and 4 is moot. Moreover, Applicant respectfully disagrees with the Examiner's arguments and conclusions as set forth in the outstanding Office Action. Accordingly, Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. Second, there must be some suggestion or motivation, either in the references

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement of characterization in the Office Action.

themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of the three requirements must “be found in the prior art, and not be based on applicant’s disclosure.” See MPEP § 2143, 8th Ed. (Rev. 4), October, 2005.

In this application, no *prima facie* case of obviousness has been established for at least the reason that the references, in combination, fail to teach each and every element of the claims.

A. Claims 1, 3, and 5-7

Claim 1 recites a combination including “a low dielectric constant insulating film having a relative dielectric constant of about 3.5 or less formed directly on a surface of the semiconductor chip.” The Examiner concedes that “Capote does not teach a low dielectric constant insulating film formed on a surface of the semiconductor chip, and a passivation film formed on a surface of the low dielectric constant insulating film.” Office Action, page 3.

To cure the above-noted deficiency of Capote, the Examiner cites Lin, stating

Lin teaches a low dielectric constant insulating film on a semiconductor surface (Fig. 15, 29), and a passivation film formed on the insulating film (Fig. 15, 32) ... [and] [i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an insulating film and a passivation film on the chip surface of Capote as taught by Lin in order to provide surface protection for the chip. *Id.*

Contrary to the Examiner's assertion, Lin does not teach that dielectric layer 29 is a "low dielectric constant insulating film having a relative dielectric constant of about 3.5 or less formed directly on a surface of the semiconductor chip," as recited in amended claim 1 (emphasis added). Lin teaches only that "dielectric material for layer 29 can be used any of the typically applied dielectrics such as silicon dioxide (doped or undoped), silicon oxynitride, parylene or polyimide, spin-on glass, plasma oxide or LPCVD oxide." Lin, column 7, lines 40-43. Not only does Lin fail to provide any teaching or suggestion that the listed materials have "a relative dielectric constant of about 3.5 or less," as recited in amended claim 1, but Applicant also respectfully submits that these materials do not have a relative dielectric constant of about 3.5 or less. Accordingly, Lin fails to teach or suggest that dielectric layer 29 is a "low dielectric constant insulating film having a relative dielectric constant of about 3.5 or less formed directly on a surface of the semiconductor chip," as recited in amended claim 1.

Although the Examiner concedes that "Capote does not teach a low dielectric constant insulating film formed on a surface of the semiconductor chip," in rejecting now-canceled claim 2, the Examiner states that Capote teaches "an insulating film with a dielectric constant of about 3.5 or less, comprised of benzocyclobutene (col. 10, lines 40-41)." Office Action, page 3. However, contrary to the Examiner's assertion, the cited portion of Capote, states: "[g]enerally, the chip 10 is passivated with a thin layer of either silicon nitride, polyimide, or benzocyclobutene." This merely teaches that a thin passivation layer is formed on the chip 10, and the thin passivation layer may be made of silicon nitride, polyimide, or benzocyclobutene. In other words, Capote teaches only

that, benzocyclobutene is a material of the passivation layer. One skilled in the art would have recognized that a passivation layer is a layer which is not directly formed on a surface of a semiconductor chip but on a circuit component (e.g., wiring layer, insulating film) formed on a surface of a semiconductor chip to protect the circuit element. Accordingly, this cannot constitute a teaching of a “low dielectric constant insulating film having a relative dielectric constant of about 3.5 or less formed directly on a surface of the semiconductor chip,” as recited in amended claim 1.

Because Capote and Lin fail to teach or suggest every element recited in amended claim 1, a *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 103(a).

Claims 3 and 5-7 depend from claim 1 and thus require all of the elements recited in claim 1. Because Capote and Lin fail to teach or suggest every element recited in claim 1, that combination of references also fails to teach or suggest each and every element required by the dependent claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 3 and 5-7 under 35 U.S.C. § 103(a).

B. Claim 8

Claim 8 depends from claim 1, and thus requires all of the elements recited in claim 1. As discussed above, Capote and Lin fails to teach at least “a low dielectric constant insulating film having a relative dielectric constant of about 3.5 or less formed

directly on a surface of the semiconductor chip,” as recited in amended claim 1, and required by claim 8. Mistry fails to cure this deficiency of Capote.

The Examiner appears to cite Mistry because the reference allegedly “teaches a passivation film comprising at least one layer formed of an organic film coating a connecting electrode (Fig. 1, 16).” Office Action, page 4. However, Mistry teaches “forming a polyimide layer (16) over a passivation layer (14).” Mistry, abstract (emphasis added). Mistry thus fails to teach “a low dielectric constant insulating film having a relative dielectric constant of about 3.5 or less formed on a surface of the semiconductor chip,” as recited in amended claim 1, and required by claim 8.

Since neither Capote, nor Lin, nor Mistry teaches or suggests every element required by claim 8, a *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 8 under 35 U.S.C. § 103(a).

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

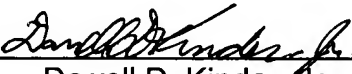
U.S. Application No. 10/798,433
Customer No. 22,852
Attorney Docket No. 04329.3269

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Darrell D. Kinder, Jr.
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